

Remarks

Prior to the entry of this amendment, claims 27-60 are pending; of these, claims 33-45 and 50-60 have been withdrawn. By this amendment, claims 27, 28, 33-37, and 45-47 are amended, and claims 31-32 are cancelled. No new matter is added by any of these amendments.

Applicants expressly reserve the right to pursue any subject matter deemed removed from consideration by this amendment at a later date. After entry of this amendment, **claims 27-29 and 32-60 are pending**, of which claims 33-45 and 50-60 are currently withdrawn.

Election/Restrictions and Request for Rejoinder

Applicants acknowledge that the previous species election of a peptide has now been changed to a requirement for the election of a single peptide “invention”. Applicants hereby confirm election of SEQ ID NO: 3, as had been elected in the prior response. The claims are amended herewith to be directed specifically to SEQ ID NO: 3.

No references were cited in the pending Office action. Applicants therefore understand that the Examiner’s review of the peptides (referenced on page 3) has found this invention to be free of the prior art.

This case currently includes withdrawn process claims that depend from (or otherwise include all the limitations of) elected product claims. Applicants request the rejoinder and examination of such process claims.

Claim Rejections – 35 USC §112 2nd Paragraph

Claims 46 and 47 are rejected because the phrase “effective amount” is alleged to be indefinite. While Applicants do not concede that this phrase is indefinite, for the sake of timely prosecution of the current case, this phrase has been removed from claims 46 and 47. Likewise, it has been removed from claims 33-37 and 45, in anticipation of the rejoinder of these claims.

In view of these amendments, Applicants request the withdrawal of the rejection under §112. As this is the only pending substantive rejection, Applicants request prompt notice of the allowability of the claims.

Request for Acknowledgement of IDS

Applicants submitted an Information Disclosure Statement (IDS) and the six references listed on the accompanying Form 1449, on November 21, 2005. Applicants have not yet received an initialed copy of that Form 1449, acknowledging that these references have been considered by the Examiner. Applicants therefore request that the Examiner provide an initialed copy of the Form 1449 with the next written action in this case, so it is clear on the record that the cited references have been considered.

Conclusion

In view of Applicants' arguments, and the amendments submitted herewith, it is believed that the subject claims are in condition for allowance. If any concerns remain, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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